

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 534 be amended to read as follows:

- 1 Page 2, after line 42, begin a new paragraph and insert:
2 "SECTION 3. IC 31-19-2-7.3 IS ADDED TO THE INDIANA
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2007]: **Sec. 7.3. A court may not waive any**
5 **criminal history check requirements set forth in this chapter.**".
6 Page 3, between lines 34 and 35, begin a new paragraph and insert:
7 "SECTION 7. IC 31-19-8-1, AS AMENDED BY P.L.145-2006,
8 SECTION 248, IS AMENDED TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2007]: Sec. 1. An adoption may be granted in
10 Indiana only after:
11 (1) the court has heard the evidence; and
12 (2) **except as provided in section 2(c) of this chapter**, a period
13 of supervision, as described in section 2 of this chapter, by a
14 licensed child placing agency or **the** county office of family and
15 children approved for that purpose by the department.
16 SECTION 8. IC 31-19-8-2 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) **Except as**
18 **provided in subsection (c)**, the period of supervision required by
19 section 1 of this chapter may be before or after the filing of a petition
20 for adoption, or both.
21 (b) The length of the period of supervision is within the sole
22 discretion of the court hearing the petition for adoption.
23 (c) **A court hearing a petition for adoption of a child may waive**
24 **the period of supervision under subsection (a) if one (1) of the**
25 **petitioners is a stepparent or grandparent of the child and the**
26 **court waives the report under section 5(c) of this chapter.**
27 SECTION 9. IC 31-19-8-5 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) **Except as**
29 **provided in subsection (c)**, not more than sixty (60) days from the date
30 of reference of a petition for adoption to each appropriate agency, each
31 agency **or the county office of family and children** shall submit to the

1 court a written report of ~~and the agency's~~ investigation **and**
 2 recommendation as to the advisability of the adoption.

3 (b) The agency's **or county office of family and children's** report
 4 and recommendation:

5 (1) shall be filed with the adoption proceedings; and

6 (2) become a part of the proceedings.

7 **(c) A court hearing a petition for adoption of a child:**

8 **(1) may waive the report required under subsection (a) if one**

9 **(1) of the petitioners is a stepparent or grandparent of the**
 10 **child and the court waives the period of supervision under**
 11 **section 2(c) of this chapter; and**

12 **(2) may require the county office of family and children or a**
 13 **child placing agency to:**

14 **(A) investigate any matter related to an adoption; and**

15 **(B) report to the court the results of the investigation.**

16 SECTION 10. IC 31-19-8-6 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) The agency's **or**
 18 **county office of family and children's** report must, to the extent
 19 possible, include the following:

20 (1) The former environment and antecedents of the child.

21 (2) The fitness of the child for adoption.

22 (3) Whether the child is classified as hard to place:

23 (A) because of the child's ethnic background, race, color,
 24 language, physical, mental, or medical disability, or age; or

25 (B) because the child is a member of a sibling group that
 26 should be placed in the same home.

27 (4) The suitability of the proposed home for the child.

28 (b) The report may not contain any of the following:

29 (1) Information concerning the financial condition of the parents.

30 (2) A recommendation that a request for a subsidy be denied in
 31 whole or in part due to the financial condition of the parents.

32 (c) The criminal history information required under IC 31-19-2-7.5
 33 must accompany the report.

34 SECTION 11. IC 31-19-8-7 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. The court shall
 36 summarily consider the agency's **or county office of family and**
 37 **children's** report. If the court finds that further investigation or further
 38 supervision is necessary, the court shall continue the case to a later date
 39 that the court considers advisable for final determination. At that time
 40 the court shall determine the case.

41 SECTION 12. IC 31-19-8-8 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. The report and
 43 recommendation of the agency **or county office of family and**
 44 **children** are not binding on the court but are advisory only."

45 Page 8, between lines 27 and 28, begin a new paragraph and insert:

46 "SECTION 21. IC 35-46-1-9.3 IS ADDED TO THE INDIANA
 47 CODE AS A **NEW** SECTION TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2007]: **Sec. 9.3. (a) This section does not apply to:**

(1) a person who does not arrange or facilitate a surrogate agreement in exchange for a fee or other consideration, but who assists in a subsequent adoption or parentage action for the child;

(2) a surrogate or an intended parent; or

(3) a physician licensed under IC 25-22.5 who provides medical services to a surrogate or an intended parent.

(b) As used in this section, "surrogate" has the meaning set forth in IC 31-9-2-126.

(c) As used in this section, "surrogate agreement" has the meaning set forth in IC 31-9-2-127.

(d) A person who knowingly or intentionally receives a fee or other consideration, directly or indirectly, in exchange for arranging or facilitating a surrogate agreement commits surrogate facilitation, a Class A misdemeanor.

(e) A party to a surrogate agreement may bring a civil action against a person who commits surrogate facilitation under this section, even if the person has not been prosecuted or convicted of the offense. In an action under this subsection, a party may seek an award of the following:

(1) An amount not to exceed three (3) times the amount that:

(A) the person received for arranging or facilitating a surrogate agreement; or

(B) the surrogate received for acting as a surrogate.

(2) The costs of the action.

(3) Reasonable attorney's fees."

Page 10, line 15, after "[EFFECTIVE JULY 1, 2007]" insert "**IC 35-46-1-9.3,**".

Page 10, line 15, after "IC 35-46-1-21" insert ",".

Page 10, line 16, delete "both" and insert "**all**".

Renumber all SECTIONS consecutively.

(Reference is to SB 534 as printed February 20, 2007.)

Senator MILLER